



October 1, 2020

Project Number: S-2020-0466

Martin Griffin, Director of Ecosystem Services
Madison Metropolitan Sewerage District
1610 Moorland Road
Madison, WI 53713

Subject: Plan and Specification Letter of No Objection

Dear Mr. Griffin:

The Department of Natural Resources (hereafter Department) does not object to the design and construction of the manure storage unit proposed to store sewage sludge, subject to the conditions listed below. The Department received a complete plan and specification submittal on June 15, 2020 under the seal of James Todd, Professional Engineer, Excel Engineering, Inc. Pursuant to [s. NR 108.04\(5\), Wis. Adm. Code](#) the Department may not approve plans and specifications for any project for which construction has commenced.

Tank Description

The 5 million gallon (MG) manure storage unit is located in NW ¼, SE ¼, Sec. 24, T06N, R08E in Dane County and owned by Doerfer Brothers, Inc. The street address of the tank is 6391 Whalen Road, Verona, WI 53593. The manure storage unit is an above ground, circular, concrete structure measuring 266 feet in diameter and 12 feet high. The storage unit was constructed in 2002 in accordance with NRCS 313 standards dated June 2001. The manure storage unit is empty due to closure of the dairy farm. Due to improper horizontal rebar spacing during construction, the structure cannot be utilized to its full 5 MG capacity. The District hired a consultant to determine the structural integrity of the structure storing 2.9 MG of sewage sludge with consideration of an additional 6 inch rainfall and 1 foot freeboard. The 2.9 MG volume is approximately 7 feet of liquid depth from the bottom of the storage structure or 5 feet down measured from the top of the structure. The manure storage unit meets the requirements of [ch. NR 110, Wis. Adm. Code](#).

Areas of Clarification

The offsite storage unit is not intended to be used to meet the requirement for 180 days of storage capacity. Adequate storage (in excess of 180 days) exists at the Nine Springs WWTF. Rather, the offsite storage unit is proposed to maximize the amount of biosolids that the District can collectively apply at one time across the service area during periods of favorable field conditions. The District has biosolids application assets to apply on a maximum of four sites at any given time. This offsite storage unit allows for a fifth application site using contractors for the field application. This takes full advantage of limited windows of opportunity for sludge land spreading which frees up storage capacity at the Nine Springs WWTF.

The District proposes to haul Class B biosolids from the Nine Springs WWTF to be unloaded in the storage unit and then utilize a contractor to apply the biosolids on fields surrounding the storage unit

using a dragline application method. Any contractor the District selects will operate under the District's WPDES Permit and approved sites. As proposed, the biosolids stored in the offsite storage unit will be mixed by a portable manure agitation pump prior to dragline land application. Samples are to be collected from the dragline pump sampling port.

Sections [NR 110.15\(3\)\(d\)1.d.](#) and [NR 110.26\(10\(b\), Wis. Adm. Code](#) require a 1,000 foot setback from sludge storage facilities. There are three residential buildings within a 1,000 foot radius of the storage unit. In accordance with [s. NR 110.15\(3\)\(d\)2., Wis. Adm. Code](#) the department may waive the isolation requirements if the affected property owners agree to the reduced setbacks and that zoning ordinances prevent future construction within the applicable separation distances. Two of the affected properties are owned by Doerfer Brothers, Inc. and the third affected property is owned by Gail Simmons. All parties have submitted letters to the department agreeing to the reduced setback distance from the storage unit. Local zoning approvals were obtained during initial construction in 2002.

Conditions of Approval

The Department does not object to the manure storage unit plans and specifications, subject to the following conditions:

1. That WPDES Permit WI-0024597-09-0 be modified to include the manure storage unit.
2. That multiple maximum operating level markers be installed at the 2.9 million gallon storage level, 6 inch rainfall event level, and freeboard level to prevent exceeding the structural capacity of the tank.
3. That the tank loading area be improved in accordance with the structural engineer's recommendations.
4. That no manure, septage, or industrial wastes be comingled with biosolids at this storage unit, unless approved and permitted by the Department.

This conditional approval is not to be construed as a determination on the issuance of a Wisconsin Pollutant Discharge Elimination System permit or an opinion as to the ability of the proposed system to comply with effluent limitations in such a permit. See, [NR 108.04\(3\)\(b\)](#). This letter is not to be construed as an approval for activities requiring approval under other statutes or by other federal, state or local agencies.

Statutory Authority

The Department has the authority to adopt rules for the construction, installation, use, and operation of sewerage systems. See, [Wis. Stat. § 281.19\(1\)](#). Chapters NR 108 and 110 of the Wisconsin Administrative Code have been adopted by the Department pursuant to this statutory authority. The Department has the authority to approve, conditionally approve, or deny plans, as defined in section 281.41 of the Wisconsin Statutes, and has the authority to disapprove plans that are not in conformance with an approved areawide waste treatment management plan. See, [Wis. Stat. § 281.41\(1\)\(c\)](#); see also, [33 U.S.C. § 1288](#).

The Department has the authority to order changes or additions to the approved plans should conditions arise making this necessary. See, [Wis. Stat. § 281.19](#); see also, [Wis. Stat. § 281.20](#).

Judicial Review; Right to Hearing

If you believe that you have a right to challenge this decision, the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53 of the Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42 of the Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5) of the Wisconsin Administrative Code and served on the Secretary in accordance with section NR 2.03 of the Wisconsin Administrative Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

This notice is provided pursuant to section 227.48(2) of the Wisconsin Statutes.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Jason R. Knutson, P.E.
Wastewater Section Chief
Bureau of Water Quality



Ian Hansen, P.E.
Wastewater Engineer
Bureau of Water Quality

cc: James Todd	Excel Engineering	(email copy)
Phillip Spranger	DNR Permit Drafter	(email copy)
Tom Meronek	DNR Compliance Engineer	(email copy)
Amy Garbe	DNR Wastewater Operations Coordinator	(email copy)
Kassie Franke	DNR Landspreading Specialist	(email copy)
Dale Gasser	DNR Regional Non-Point Source Coordinator	(email copy)
Amy Piaget	Dane County Conservationist	(email copy)